



**WHEATLAND COUNTY**

**Where There's Room to Grow**



## **DEVELOPMENT PERMIT REPORT**

Municipal Planning Commission

January 20, 2020

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**DEVELOPMENT PERMIT NUMBER:** DP 2019-160

**PROPOSAL:** Industrial, Medium (Hydro-Vac Transfer Pad)

**LEGAL DESCRIPTION:** Plan 161 1511, Block 5, Lot 7, NE-10-24-26-4

**LOCATION:** Approx. 4.02 km (2.5 miles) Northwest of Cheadle

**PARCEL SIZE:** 1.36 ha (3.36 acre) parcel

**ZONING:** Industrial General (IG)

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### **DETAILS OF PROPOSAL:**

In April of 2019 the applicant was issued a permit for a Clay Storage Facility on the subject site (DP 2019-009), which has not been constructed yet. The current proposal is to add a Hydro-Vac Waste Transfer pad to the parcel. The facility will be capable of receiving smaller volumes of non-impacted<sup>1</sup> Hydro vac tailings,<sup>2</sup> and then separate the water from each load independently. The tailings will be put onto a solids containment pad, and the water will be put into a liquids containment pond with evaporation capabilities. The stored, solid material will be reloaded onto trucks and transported to landfills<sup>3</sup> to be used for daily cover<sup>4</sup>.

During times of import activity, truck traffic will be approximately 2 to 6 trucks per day. The Clay Storage Facility projects 4-6 trucks per day for a total of 6-12 trucks per day. Access to the site will be by appointment between 9:00 am and 5:00 pm Monday through Saturday. Trucks will arrive at Delphan and provide the site contact with a haul Manifest<sup>5</sup> explaining all pertinent material information. No employees will be dedicated to the site full-time but will have a supervisor and 1-3 part time employees while trucks are onsite.

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<sup>1</sup> *Non-impacted:* Independently tested material, by a credited Environmental firm that has zero traces of any human made chemicals such as petroleum hydrocarbons, benzenes, lead, or heavy metals.

<sup>2</sup> *Hydro-vac tailings:* Sub-surface soils mixed with water created during the use of high pressured water to break up soil and vacuumed into a hydro-vac truck.

<sup>3</sup> *Landfills:* Any local municipal Class II landfill receiving clean fill for daily cover. Locations would change from time to time depending on individual landfill cover requirements. Examples: East Calgary, Spyhill, and Drumheller Landfills

<sup>4</sup> *Daily Cover:* Clean clay/soil fill that has been tested and approved for Industrial fill. This material is used to build garbage cells and cover and compact garbage in layers.

<sup>5</sup> *Manifest:* Is a trackable information document. Typical manifests include contact information for the generating company and receiving facility of the material. Additional information would include, transport company with unit licensing and insurance particulars, project location, date, and time of loading, volume of product, complete product description and signed by authorized personnel at loading and unloading sites.

Trucks will first unload water, which will be stored in the water containment pen, and then the solid tailings will be unloaded onto the pad. The solids will be pushed up into a spoil pile.<sup>6</sup> When the spoil pile has accumulated enough volume, the tailings will be loaded onto trucks and transported to the nearest available landfill.

The contained water can be tested and if approved, be used on-site as irrigation for the landscaping. If the water is not approved for irrigation, it will be loaded into a tank truck and disposed of at the nearest available wastewater treatment facility.<sup>7</sup>

This facility and the Clay Storage Facility are both regulated by Alberta Environment and Parks and have the appropriate approvals in place. AEP considers this facility a non-hazardous Waste Storage Site which meets the 300m setback from the nearest residence. Future proposals for residences within the setback zone would require the County to apply to the Deputy Minister of Environment for a variance to the 300m setback prior to approving the application.

### **RELEVANT POLICY/LEGISLATION**

#### **CALGARY METROPOLITAN REGIONAL BOARD (CMRB):**

The application is located within the Calgary Metropolitan Regional Board Plan Area, but is not amending a statutory plan therefore no review is required by the board.

#### **MUNICIPAL DEVELOPMENT PLAN (MDP):**

The proposal aligns with Section 3.7.1 of the MDP as it encourages the expansion and diversification of the County's commercial and industrial base. Section 3.7 Commercial and Industrial Development Objectives places an emphasis on locating Commercial/Industrial properties within certain designated areas of the County such as the West Highway 1 Area Structure Plan (WH1ASP) or in close proximity to hamlets.

#### **WEST HIGHWAY 1 AREA STRUCTURE PLAN (ASP)**

The West Highway 1 Area Structure Plan (WH1ASP) is identified as a key industrial corridor along Highway #1 within Wheatland County. Section 2.2 objectives propose that we should accommodate development opportunities in Wheatland County for light to medium industrial and compatible commercial land uses. This application complies within the policies of the WH1ASP and is compatible with other Industrial General uses already located in the ASP area.

#### **SUBDIVISION AND DEVELOPMENT REGULATION:**

Section 13(4) Distance from landfill, waste site.

Subject to subsection (5) a, subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a landfill, hazardous waste management facility or storage site unless:

- a) The working area of a landfill is situated at least 450 meters,

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<sup>6</sup> Spoil pile: is excavated material consisting of loam, topsoil and subsoils that have been removed and temporarily stored prior to exporting off-site.

<sup>7</sup> Waste water treatment facility: Examples are Shepard waste water treatment facility and Bonnybrook treatment facility both located in Calgary.

- b) The disposal area of a landfill is situated at least 300 meters,
- c) The working or disposal area of a hazardous waste management facility is situated at least 450 meters, and
- d) The working area of a storage site is situated at least **300 meters** from the property line of a school, hospital, food establishment or residential use or building site proposed for a school, hospital, food establishment or **residence**.


Staff spoke with Alberta Environment and Parks regarding this facility and they confirmed that the setbacks are measured from the dwelling, not the property lines.

### LAND USE BYLAW (LUB):

**Definition: Industrial, Medium** means the use of land, buildings and/or structures for an industrial activity that creates adverse impacts beyond the boundaries of the site for which the associated activity takes place due to appearance, emission of contaminants, noise, traffic volume, odor, fire, explosive hazards or dangerous goods. Characteristics of Industrial, Medium may include:

- a) Light to moderate open storage
- b) May have a retail or wholesale component that is subordinate to the principal use
- c) Moderate nuisance factors may extend past boundaries of the site
- d) Moderate hazardous industry present

The proposal has a land use designation of Industrial General (IG) and this application meets the requirements of the Land Use Bylaw.

Permitted	Discretionary
Accessory Building / Structure	Agricultural Processing - Major
Agricultural Operation	Auction Mart
Agricultural Processing - Minor	Automotive and Equipment Services
Agricultural Support Services	Composting Facility
Cannabis Production Facilities (Only considered within the WH1ASP)	Dwelling, Employee
Commercial Storage	Industrial, Medium 
Contractor Service	Mechanical Repair Shop
Essential Public Service	Signs requiring a Development Permit <sup>a</sup>
Food and Beverage Production	Tower
Greenhouse, Public	Warehouse Sales
Industrial, Light	Work Camp
Office	
Outdoor Storage	
Recreational Vehicle Storage	
Service Station	
Shipping Container	
Signs not requiring a Development Permit <sup>1</sup>	
Solar Panel, Ground Mount <sup>1</sup>	
Solar Panel, Structure Mount <sup>1</sup>	
Stripping and Grading <sup>1</sup>	
Stockpile	
Veterinary Clinic	
Warehouse Storage	
WECS (Category 1) <sup>1</sup>	
WECS (micro) <sup>1</sup>	

**CIRCULATION COMMENTS:**

AGENCY CIRCULATION	
Alberta Transportation	Response Provided for DP 2019-009 for the Clay Storage Facility: No requirements or concerns with this proposal.
Alberta Environment and Parks	Staff spoke with the AEP Engineer via telephone who approved the project and he provided information regarding where setbacks were measured from and confirmed that the project seemed well suited to the location and the type of materials would not be considered hazardous.
INTERNAL CIRCULATION	
Internal File Review	<p><u>CIMA</u> - The developer has supplied a drainage plan which has been reviewed and approved by CIMA.</p> <p><u>Planner</u> – Definitions provided by the applicant were helpful and added clarity. No concerns since AEP clarified that the setback distance is measured from a residential dwelling, not the property line.</p> <p><u>Environmental Coordinator</u> - We have no agricultural or environmental concerns regarding DP2019-160 based on the information provided. Since this development appears to accept only clean tailings from low-risk hydro-vac operations, has appropriate notification with AEP, is working on a drainage plan with CIMA+ that I assume will be sufficient, is going in the industrial area as preferred, and this type of development is necessary for the environmentally-responsible disposal of soil slurries, then I have nothing further for environmental comment.</p>
NEIGHBOUR CIRCULATION	
To landowners within 1 mile	1 Response with Concerns (see Appendix F)

**OPTIONS:**

Staff proposes the following 3 possible options for Municipal Planning Commission to consider:

Option #1: THAT Municipal Planning Commission approve DP 2019-160:

Resolution 1: THAT Municipal Planning Commission approve DP 2019-160 for Industrial, Medium use subject to conditions noted in Appendix A.

Option #2: That Municipal Planning Commission refuse DP 2019-160 with reasons given.

Option #3: That Municipal Planning Commission provide an alternative recommendation.

**RECOMMENDATION:**

That Municipal Planning Commission choose Option #1 to approve DP 2019-160 for Industrial, Medium with conditions noted in Appendix A of the Development Permit Report based on the following:

- The proposal aligns with the Municipal Development Plan, the West Hwy 1 Area Structure Plan, the Subdivision and Development Regulation, and the Land Use Bylaw.
- The proposed facility fits within an area which is dedicated for industrial uses.
- AEP has deemed the site suitable for the use and the appropriate approvals have been obtained.
- The proposal provides an opportunity for Economic Development and this type of development is necessary for the environmentally-responsible disposal of soil slurries.

## **Appendix A:**

- 1. This development permit is issued solely for the purpose of a Hydro-Vac Transfer Pad – Defined as Industrial, Medium.**
- 2. No Variances have been granted.**
- 3. Development shall proceed according to Industrial General (IG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.**
- 4. No permanent development shall occur on or over any utility right of way or easement.**
- 5. Development to remain consistent with submitted application and all approved plans and procedures which form the application and have been deemed to be appropriate.**
- 6. Any future modifications or development on or to the lands will require the appropriate development permits in accordance with the Wheatland County Land Use Bylaw.**
- 7. Design and construction of landscaping features including, at minimum, the work and landscaping described in the 'Landscaping Plan' approved for DP 2019-009 to the satisfaction of the County and in accordance with the following:**
  - a) A guaranteed security must be provided to ensure that landscaping is provided and maintained for one (1) year. The security shall be in the form of an irrevocable letter of credit or cash having the value equivalent to 125% of the established landscape costs.**
  - b) The projected costs of the landscaping shall be calculated by the owner/applicant and shall be based on information provided in the approved landscape plan. If in the reasonable opinion of the development authority, these projected costs are inadequate,**
  - c) The Development Authority may establish a higher landscaping cost for the purposes of determining the value of the landscaping security.**
  - d) Where the owner does not complete the required landscaping, or if the owner fails to maintain the landscaping, in the health/condition to the satisfaction of the development authority for the specified periods of time, the County shall reserve the right to complete the work to the satisfaction of the development authority.**
  - e) Where the cash or proceeds from the letter of credit are insufficient for the County to complete the required work, should it decide to do so, then the owner shall pay such deficiency to the County immediately upon being invoiced.**
  - f) Upon receipt of a written request from the owner/applicant, an inspection of the finished landscaping may be scheduled by the Development Officer. Landscaping inspections shall comply with the following:**
    - i. Inspections shall be conducted only during the normal growing season, approximately April 15th through October 15th;**
    - ii. The Development Officer shall perform the landscaping inspection within thirty (30) days of receipt of the inspection request subject to i above; and**

- iii. Upon approval of the landscaping by the Development Officer, the security shall be fully released.
8. Prior to construction occurring, offsite levies are to be paid as per the West Highway 1 Area Structure Plan *Offsite Levies Bylaw 2007-109* in accordance with the payment plan agreed to for DP 2019-009.
9. Applicant to ensure approach is developed to County standards. Please contact Wheatland County Transportation & Infrastructure Assistant for details 403-934-3321.

**NOTES:**

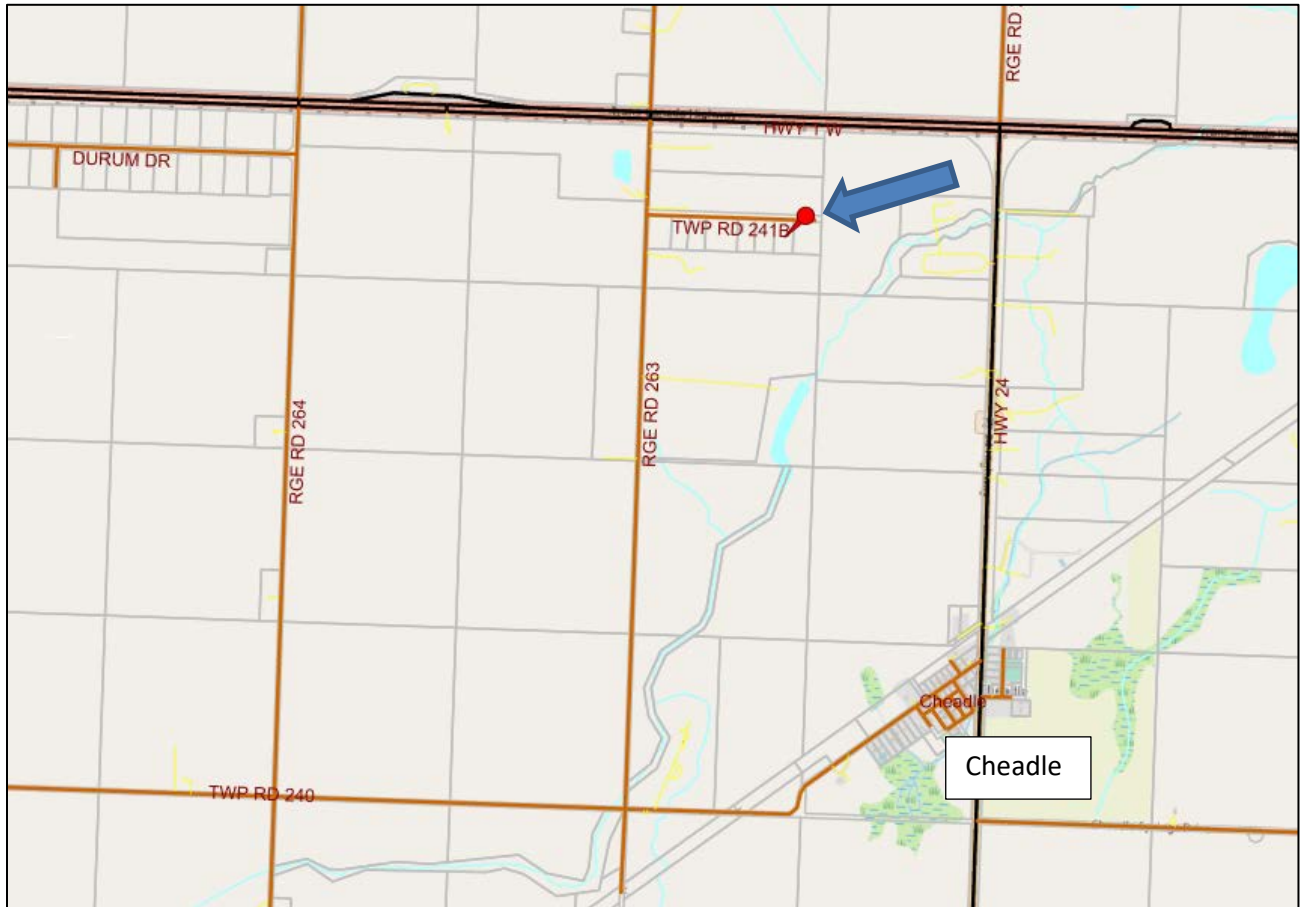
- ALL CONSTRUCTION SHALL CONFORM TO ALBERTA SAFETY CODE REGULATIONS.
- DEVELOPMENT SHALL MEET ALL PROVINCIAL AND FEDERAL LEGISLATION.



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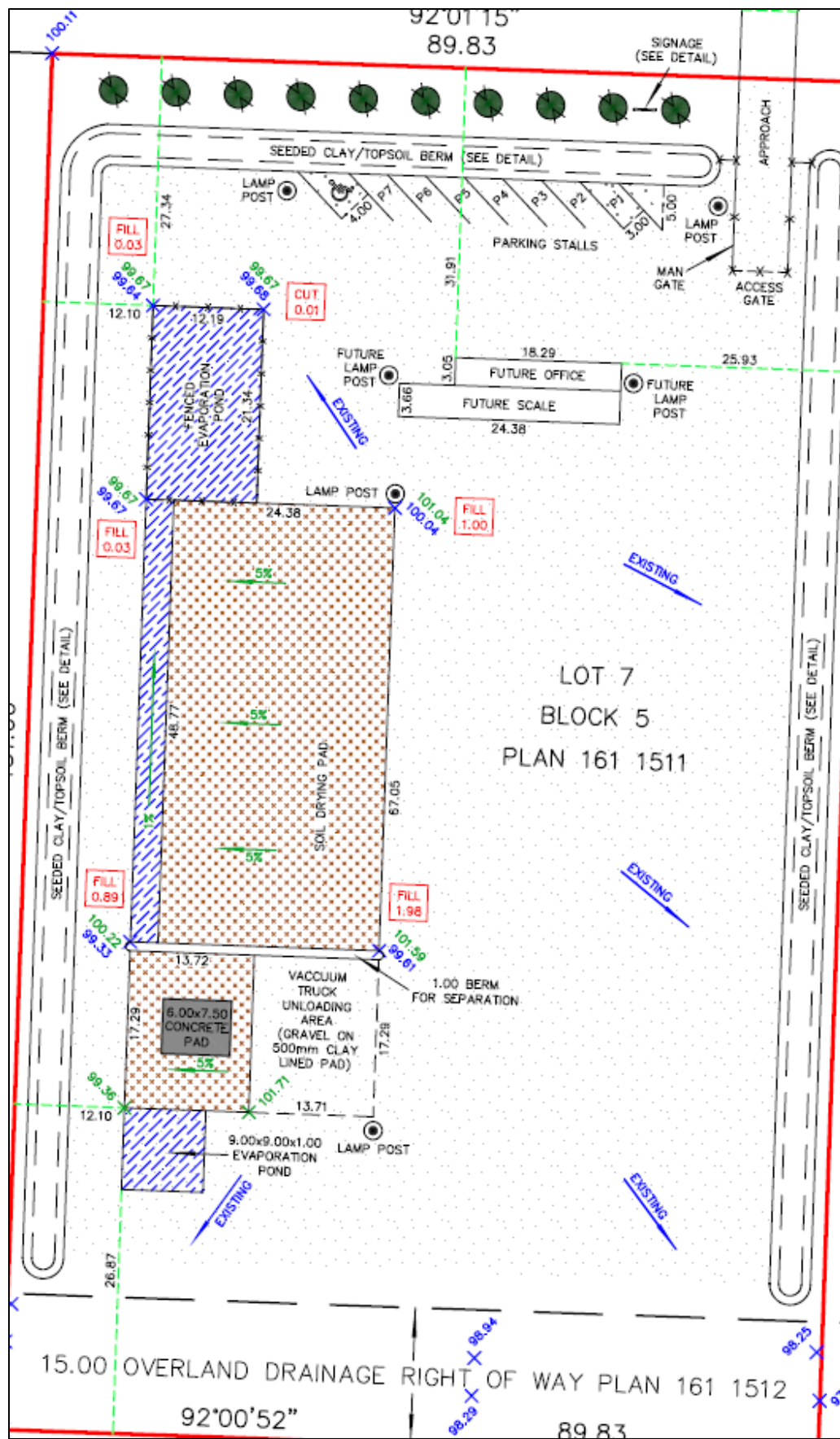
**Suzanne Hayes, Development Officer**

## Appendix B: Location Plan





## Appendix C: Site Plan



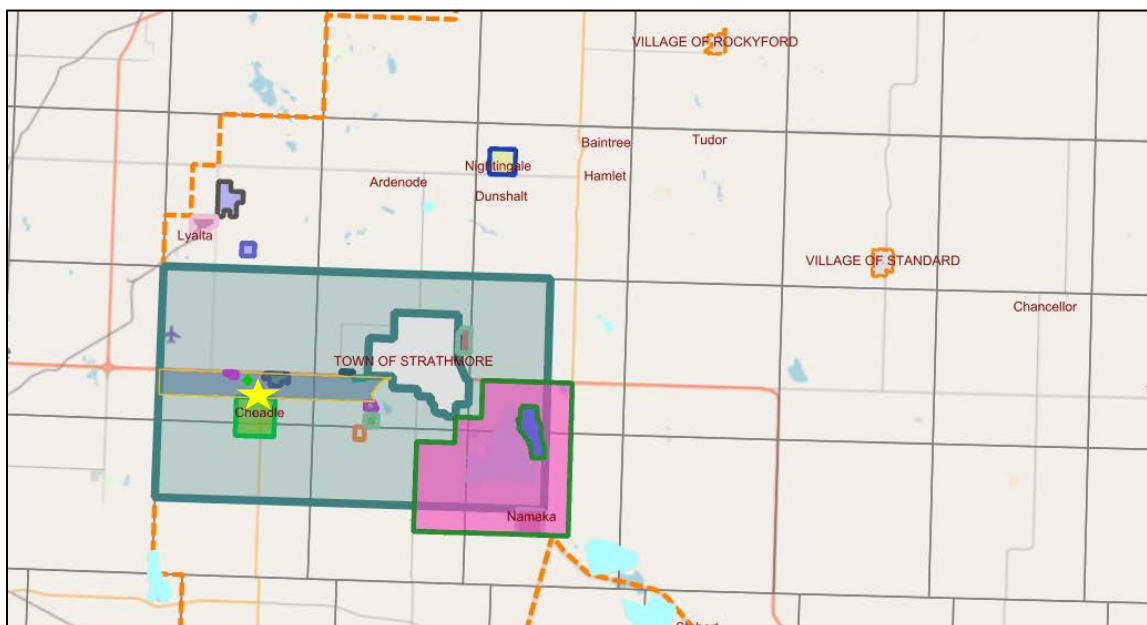
## Appendix D: Aerial Photos

### Setbacks



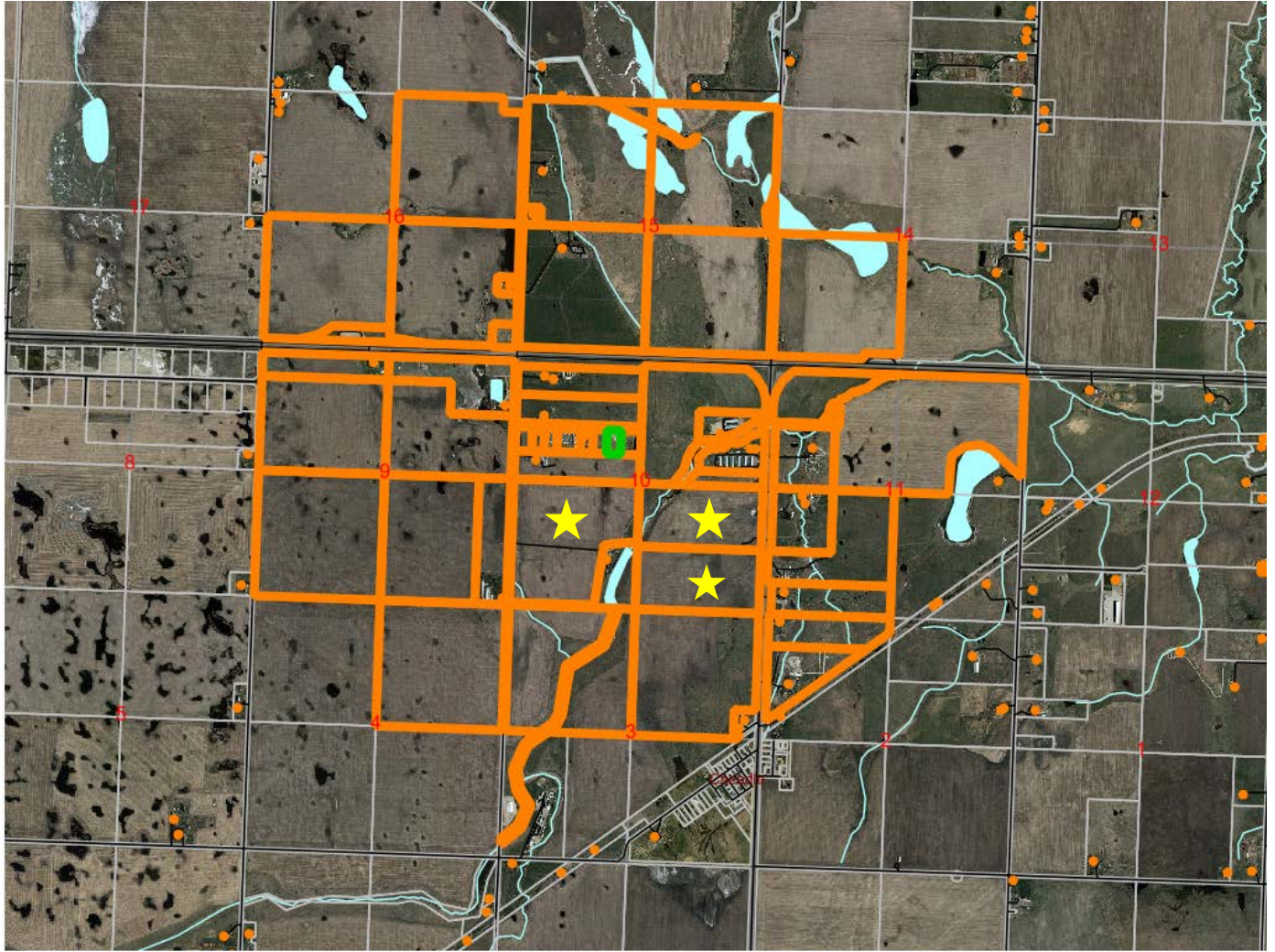


**Appendix E: CMRB, ASP (subject parcel indicated by yellow star)**





**Appendix F: Circulation Area**  
(yellow stars indicate lands owned by the concerned neighbor)



Appendix G: Circulation Response

R.R.1 Site 3 Box 13  
Strathmore, AB T1P1J

Jan 7, 2020

Wheatland County  
Suzanne Hayes,  
Development Officer

Re: Proposal, medium - Hydro - Vac  
Transfer Pad  
Legal: Plan 161 1511, Block 5, Lot 7, NE 10-24-21-44

Lauson Ranches Ltd are very much against  
this application as it would be a private dumping  
site. If Wheatland County passes this application  
Wheatland County must police it and not a  
credited environmental firm chosen by the  
applicant.

yours truly,

Barbara Lauson